

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAWN L. EVANS,

Petitioner,

v.

NAPA COUNTY SUPERIOR COURT,

Respondent.

Case No. 22-00048 EJD

CORRECTED**ORDER VACATING ORDER OF
DISMISSAL AND JUDGMENT AND
REOPENING CASE; GRANTING
EXTENSION OF TIME TO FILE *IN
FORMA PAUPERIS* APPLICATION**

(Docket No. 9)

On January 5, 2022, Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Dkt. No. 1. The Court notes that along with the petition, Petitioner filed a “Fee Waiver Request” used by the State of California’s Department of General Services, Office of Risk and Insurance Management. Dkt. No. 2. This form did not adequately address the filing fee requirements for this action in federal court. Accordingly, on the same day, the Clerk notified Petitioner that he needed to either pay the filing fee or file a complete application for leave to proceed in forma pauperis (“IFP” within twenty-eight days from the date of the notice to avoid dismissal. Dkt. No. 3. After the deadline passed without a response from Petitioner, the matter was reassigned to this Court on February 15, 2022. Dkt. No. 6. The Court dismissed the action

1 for failure to pay the filing fee and entered judgment on March 3, 2022. Dkt. Nos. 7, 8.

2 On March 11, 2022, Petitioner filed a letter stating that the court erred in dismissing
3 the matter because he filed the paperwork over a month ago through Mule Creek State
4 Prison, where he is incarcerated. Dkt. No. 9. The Court has no record of receiving any
5 such paperwork from Petitioner in this matter. Nevertheless, for good cause shown, the
6 Court construes the letter as a motion for reconsideration and GRANTS the motion.
7 Petitioner shall be granted one final opportunity to file a complete IFP application to
8 proceed with this action.


9 The Clerk shall vacate the March 3, 2022, Order of Dismissal and Judgment, Dkts.
10 No. 7 and 8, and reopen this case. Petitioner shall pay the \$5.00 filing fee or file an IFP
11 application **no later than twenty-eight (28) days** from the date this order is filed.

12 **Failure to respond in accordance with this order in the time provided shall**
13 **again result in the dismissal of this action for failure to pay the filing fee.**

14 The Clerk shall enclose a copy of the docket in this matter, along with a copy of the
15 court's IFP application with a copy of this order to Petitioner.

16 **IT IS SO ORDERED.**

17 Dated: ~~May 18, 2022~~ March 21, 2022


EDWARD J. DAVILA
United States District Judge